

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-first Legislature Second Regular Session - 2012

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 512

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO SHEEP; AMENDING SECTION 25-126, IDAHO CODE, TO REVISE THE NAME OF THE STATE BOARD OF SHEEP COMMISSIONERS TO THE IDAHO SHEEP AND GOAT HEALTH BOARD; AMENDING SECTION 25-127, IDAHO CODE, TO REVISE THE NAME OF A BOARD, TO REVISE TERMINOLOGY AND TO REVISE THE NAME OF AN ACCOUNT; AMENDING SECTION 25-128, IDAHO CODE, TO REVISE THE NAME OF A BOARD; AMENDING SECTION 25-129, IDAHO CODE, TO REVISE THE NAME OF AN ACCOUNT, TO REMOVE A REQUIREMENT FOR APPROVAL OF THE GOVERNOR RELATING TO THE BOARD'S APPOINTMENT OF A VETERINARIAN AND TO REVISE THE NAME OF A BOARD; AMENDING SECTION 25-130, IDAHO CODE, TO REVISE THE NAME OF AN ACCOUNT AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 25-131, IDAHO CODE, TO REVISE THE NAME OF AN ACCOUNT, TO REVISE TERMINOLOGY AND TO REVISE ASSESSMENT PROVISIONS; AMENDING SECTION 25-136, IDAHO CODE, TO REVISE THE NAME OF AN ACCOUNT; AMENDING SECTION 25-141B, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 25-141C, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 25-141D, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE FOR THE RECEIPT OF IDAHO SHEEP AND GOAT HEALTH FUNDS INTO THE SHEEP AND GOAT DISEASE INDEMNITY FUND AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTIONS 25-143, 25-144, 25-145, 25-146, 25-148 AND 25-150, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 25-155, IDAHO CODE, TO REVISE TERMINOLOGY AND TO REVISE THE NAME OF A BOARD; AMENDING SECTION 25-156, IDAHO CODE, TO REMOVE PROVISIONS RELATING TO THE DEPOSIT OF CERTAIN MONEYS, TO REMOVE PROVISIONS RELATING TO THE WITHDRAWAL OF MONEYS, TO REMOVE AUDIT PROVISIONS, TO PROVIDE THAT THE BOARD, OR ENTITY THE BOARD HAS CONTRACTED WITH, SHALL FILE CERTAIN REPORTS AND TO REMOVE EXEMPTION PROVISIONS RELATED TO STANDARD TRAVEL AND PAY ALLOWANCES FOR SPECIFIED EXPENDITURES; REPEALING SECTION 25-157, IDAHO CODE, RELATING TO BONDS OF AGENTS AND EMPLOYEES; AMENDING SECTION 25-158, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 25-160, IDAHO CODE, TO PROVIDE FOR THE IDAHO SHEEP AND GOAT HEALTH BOARD AND TO REVISE TERMINOLOGY; AMENDING SECTION 25-201, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 25-218, IDAHO CODE, TO REVISE THE NAME OF A BOARD; AMENDING SECTION 25-232, IDAHO CODE, TO REVISE THE NAME OF A BOARD, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTIONS 25-2612A AND 67-5303, IDAHO CODE, TO REVISE THE NAME OF A BOARD.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 25-126, Idaho Code, be, and the same is hereby amended to read as follows:

25-126. CREATION OF BOARD. ~~A state board of sheep commissioners~~ The Idaho sheep and goat health board is hereby created within the department of agriculture, but its officers and employees shall not be subject to the ad-

1     ministrative control of the director of the department of agriculture. The  
 2     administrative officers and employees of the board shall be nonclassified  
 3     employees. The board may contract with the director of the department of  
 4     agriculture for administrative and/or veterinary services.

5             SECTION 2. That Section 25-127, Idaho Code, be, and the same is hereby  
 6     amended to read as follows:

7             25-127. MEMBERS -- APPOINTMENT, QUALIFICATIONS, SALARY -- OATH. The  
 8     ~~state board of sheep commissioners~~ Idaho sheep and goat health board, here-  
 9     inafter called the board, shall consist of five (5) members, all of whom  
 10    shall be experienced wool growers and no two (2) of whom shall be from the  
 11    same county; said members shall be appointed by the governor and hold their  
 12    offices for the term for which they are appointed and thereafter until their  
 13    successors are duly appointed and qualified.

14            As vacancies occur upon the board, the Idaho Wool Growers Association  
 15    shall submit to the governor the names of two (2) persons qualified and suit-  
 16    able for appointment for each such vacancy from whom the governor shall make  
 17    his appointment to fill such vacancies. The first ~~commissioners board~~ shall  
 18    be appointed for the following terms: two (2) ~~commissioners members~~ shall  
 19    be appointed to hold office until the first Monday of January 1952; two (2)  
 20    ~~commissioners members~~ shall be appointed to hold office until the first Mon-  
 21    day of January 1954; one (1) ~~commissioner member~~ shall be appointed to hold  
 22    office until the first Monday of January 1956; and at the expiration of said  
 23    dates for the ~~commissioners members~~ first appointed and until the expiration  
 24    of terms thereafter, ~~commissioners members~~ shall be appointed to fill such  
 25    vacancies for a term of six (6) years; and in case of any vacancy occurring  
 26    in the office of ~~commissioner~~ a board member at any time other ~~commissioners~~  
 27    ~~members~~ shall be appointed, who in each instance shall hold office until the  
 28    unexpired term of the ~~commissioner member~~ whom he is appointed to succeed.  
 29    Each of said ~~commissioners members~~, before entering upon the duties of his  
 30    office, shall take and subscribe to the oath of office required by section  
 31    59-401, Idaho Code. The members of the board may be compensated as provided  
 32    by section 59-509(d), Idaho Code. Said compensation may be paid from the  
 33    ~~sheep commission~~ Idaho sheep and goat health account in the same manner as  
 34    other expenses are paid. Each member of said board shall be a qualified elec-  
 35    tor of the county from which he is chosen and must reside during his term of  
 36    office within the state of Idaho. Said board must hold a meeting annually and  
 37    at any other time if so requested by any member of the board.

38            SECTION 3. That Section 25-128, Idaho Code, be, and the same is hereby  
 39    amended to read as follows:

40            25-128. POWERS AND DUTIES OF ~~STATE BOARD OF SHEEP COMMISSIONERS~~ THE  
 41    IDAHO SHEEP AND GOAT HEALTH BOARD. The board shall have the authority to  
 42    perform all those duties and powers necessary for the prevention, control,  
 43    and eradication of diseases which may include the supervision of sheep,  
 44    handling of sheep, shipping, transporting or moving of sheep, regulation of  
 45    sheep, the making of rules concerning sheep and all other matters pertaining  
 46    to sheep either in the state of Idaho or which may be brought into or shipped  
 47    from the state of Idaho. The board shall also be responsible for all matters

1 relating to the prevention, control, and eradication of diseases pertaining  
 2 to goats within the state of Idaho with the provisions of this chapter also  
 3 applying to goats. The board may also designate a portion of the assessment,  
 4 as provided in sections 25-130 and 25-131, Idaho Code, to help carry on the  
 5 work for the prevention and control of damage caused by predatory animals and  
 6 other vertebrate pests.

7 SECTION 4. That Section 25-129, Idaho Code, be, and the same is hereby  
 8 amended to read as follows:

9 25-129. RULES -- EXECUTIVE SECRETARY, VETERINARIAN, INSPECTORS,  
 10 SALARIES, EXPENSES AND OFFICE. (1) The board shall elect one (1) of its  
 11 members chairman. The said board is empowered to make rules for governing  
 12 itself and such rules as it may deem necessary for the enforcement of the  
 13 provisions of this chapter and to enforce all such rules, and shall have ex-  
 14 clusive control of all matters pertaining to the sheep industry. It shall be  
 15 empowered to make and enforce rules for quarantining, or otherwise treating  
 16 sheep which may be infected, affected or infested with ticks, lice or any  
 17 other parasites detrimental or injurious to sheep, or any infectious or con-  
 18 tagious disease of sheep and for the prevention, control and eradication of  
 19 infectious or contagious diseases, ticks, lice or other parasites detrimen-  
 20 tal to sheep. All such rules adopted by said board shall have the same force  
 21 and effect as law and any person, association, firm or corporation violating  
 22 such rules shall be deemed guilty of a misdemeanor.

23 (2) The board is empowered to select an executive secretary who may or  
 24 may not be a member of the board, and such executive secretary shall have the  
 25 authority and power to sign any and all lawful claims or vouchers to be made,  
 26 filed or drawn by or on behalf of the board against the ~~sheep commission~~ Idaho  
 27 sheep and goat health account, and for such purposes he shall be regarded  
 28 as the administrative head of the agency and he shall perform such other and  
 29 further duties as the board shall direct.

30 (3) The board is empowered to appoint, ~~with the approval of the gov-~~  
 31 ~~ernor,~~ a veterinarian in charge, who must be duly licensed in the state of  
 32 Idaho and who is a graduate of a recognized and accredited school of veteri-  
 33 nary medicine, whose duties and powers shall be defined and prescribed by  
 34 said board; which said officer shall be bonded to the state of Idaho in the  
 35 time, form and manner prescribed by chapter 8, title 59, Idaho Code. The vet-  
 36 erinarian in charge shall receive such compensation as may be allowed by said  
 37 board and actual and necessary expenses incurred in the performance of his  
 38 duties. The veterinarian in charge shall be at all times subject to the au-  
 39 thority of the board and shall have the same powers hereinafter provided for  
 40 all other inspectors appointed by the board under this chapter. The veteri-  
 41 narian in charge shall have authority and power to sign all lawful claims or  
 42 vouchers filed or drawn on behalf of the board against the ~~sheep commission~~  
 43 Idaho sheep and goat health account.

44 (4) The board is hereby empowered to appoint all other inspectors, vet-  
 45 erinarians and such other employees and assistants as may be necessary to  
 46 carry out the duties and powers herein conferred and fix the compensation  
 47 of all such appointees. All salaries and expenses of every kind incurred in  
 48 carrying out the provisions of this chapter shall be paid from the ~~sheep com-~~  
 49 ~~mission~~ Idaho sheep and goat health account.

1       (5) Inspectors and veterinarians appointed by the ~~board of sheep com-~~  
 2 ~~missioners~~ Idaho sheep and goat health board shall have the power and duty to  
 3 assist law enforcement entities in the enforcement of all laws of the state  
 4 pertaining to the identification, inspection and transportation of sheep  
 5 and other livestock, and shall have general authority to assist law enforce-  
 6 ment entities in the enforcement of theft laws of the state with respect to  
 7 sheep and other livestock.

8       SECTION 5. That Section 25-130, Idaho Code, be, and the same is hereby  
 9 amended to read as follows:

10       25-130.   FIXING ASSESSMENT RATE -- PAYMENT OF CLAIMS -- REPORT -- IN-  
 11 SPECTION, QUARANTINE AND TREATMENT OF SHEEP -- DISTRICTS. The board shall  
 12 meet and fix the rate of special assessment to be levied as provided for in  
 13 this chapter. Any change in the rate of the special assessment shall be made  
 14 to be effective at the start of a calendar year. The board shall audit all  
 15 bills of salaries and expenses incurred in the enforcement of this chapter  
 16 that may be payable from the ~~sheep commission~~ Idaho sheep and goat health ac-  
 17 count which shall be audited, allowed and paid as other claims against the  
 18 state. The board shall have power to order an inspection or quarantine of any  
 19 sheep in the state of Idaho, whether diseased or exposed to disease, to com-  
 20 pel dipping or other treatment of sheep, whether diseased or exposed to dis-  
 21 ease, at such times and as often as it deems necessary to ~~insure~~ ensure the  
 22 suppression or eradication of any infectious or contagious disease of sheep  
 23 and divide the state into such districts as may be necessary for the enforce-  
 24 ment of this chapter.

25       SECTION 6. That Section 25-131, Idaho Code, be, and the same is hereby  
 26 amended to read as follows:

27       25-131.   ~~SHEEP COMMISSION~~ IDAHO SHEEP AND GOAT HEALTH ACCOUNT -- AS-  
 28 SESSMENT -- FIRST PURCHASER TO MAKE REPORT -- PENALTY FOR FAILURE TO MAKE  
 29 REPORT -- APPROPRIATION. (1) In order for the board ~~of sheep commissioners~~  
 30 to carry out the provisions of this chapter, the board shall assess, levy  
 31 and collect an assessment established by the board, not to exceed ~~six~~ twelve  
 32 cents (~~612¢~~) per pound on all wool, in the grease basis, sold through commer-  
 33 cial channels. In the event that a sheep, which produces wool subject to this  
 34 assessment, shall be located outside the state of Idaho during a part of the  
 35 assessment year, the amount of the assessment shall be reduced on a pro rata  
 36 basis. Such assessment shall be levied and assessed to the producer at the  
 37 time of the first sale of wool and shall be deducted by the first purchaser  
 38 from the price paid to the producer at the time of such first sale. The as-  
 39 sessment provided in this section shall not be levied or collected on any ca-  
 40 sual sale.

41       (2) The assessment provided by this section shall constitute a lien  
 42 prior to all other liens and encumbrances upon such wool except liens which  
 43 are declared prior by operation of a statute of this state.

44       (3) If the first purchaser lives or has his principal office in another  
 45 state, the producer shall make the reports and pay the assessments to the  
 46 board as required under this section unless the first purchaser agrees in  
 47 writing to make such reports and pay such assessments.

1 (4) The first purchaser shall specify the amounts of assessments with-  
2 held in any written statements made to the producer.

3 (5) The first purchaser shall make reports to the board on forms pre-  
4 scribed by the board, and no first purchaser shall fail to make such reports  
5 or falsify any such reports. The assessment deducted and withheld by a first  
6 purchaser, as required in subsection (1) of this section, shall be paid to  
7 the board on a quarterly calendar year basis, and shall be due and payable  
8 within thirty (30) days after the end of the quarter. All moneys collected  
9 by the board under the provisions of this chapter shall be paid to the state  
10 treasurer. All moneys received from the assessment pursuant to this section  
11 shall be deposited in the state treasury by the state treasurer to the credit  
12 of a special account in the state operating fund hereby created to be known as  
13 the "~~sheep commission~~ Idaho sheep and goat health account."

14 (6) A first purchaser who delays transmittal of reports and payments of  
15 assessments beyond the time stated in subsection (5) of this section shall  
16 pay five percent (5%) of the amount due for the first month of delay and one  
17 percent (1%) of the amount due for each month of delay thereafter. Such mon-  
18 eys shall be deposited in the ~~sheep commission~~ Idaho sheep and goat health  
19 account.

20 (7) In addition thereto, the said account shall consist of any appro-  
21 priations made by the legislature for the use of and expenditure by said  
22 board. All fees of every kind collected under the provisions of this chap-  
23 ter, or under any rules and regulations made pursuant to the provisions of  
24 this chapter, shall be deposited in the state treasury in the manner herein-  
25 above described. The moneys in said special account are hereby appropriated  
26 for the use and expenditure of said board carrying out the provisions of this  
27 chapter and the rules and regulations made herein and said account is hereby  
28 declared to be a continuing account.

29 (8) All moneys appropriated to the board for the purposes of sheep dis-  
30 ease prevention, abatement, suppression, control or eradication shall be  
31 expended by the board only for those purposes, in accordance with the duties  
32 specified in section 25-128(1), Idaho Code.

33 (9) All moneys received by the ~~state board of sheep commissioners~~  
34 that portion of the special assessment which is made to carry on the work  
35 for prevention and control of damage caused by predatory animals and other  
36 vertebrate pests shall be expended by the ~~sheep commission~~ board in the  
37 respective districts comprising the counties where the assessment was col-  
38 lected less the actual and necessary administrative costs for carrying out  
39 the provisions of this chapter. All moneys received by such account for work  
40 for prevention and control of damage caused by predatory animals and other  
41 vertebrate pests except as herein otherwise provided shall be expended by  
42 the ~~sheep commission~~ board within the district or districts specified by the  
43 party or agency providing such funds and any trust fund must be held invio-  
44 late for the purposes of the trust.

45 SECTION 7. That Section 25-136, Idaho Code, be, and the same is hereby  
46 amended to read as follows:

47 25-136. APPROPRIATION FOR SALARY AND EXPENSES. The salaries, expenses  
48 and maintenance of the said board and all other salaries and expenses not  
49 otherwise provided for, not heretofore provided for in this act, shall be

1 paid out of the ~~sheep commission fund~~ Idaho sheep and goat health account.  
 2 The legislature may each year set aside from the total appropriation which  
 3 it shall make for the care, handling, inspection and protection and erad-  
 4 ication of disease of livestock in the state, that proportion of the total  
 5 amount which the value of the sheep and goats in the state of Idaho bears to  
 6 the value of other livestock in the state as determined by the director of the  
 7 department of agriculture.

8 SECTION 8. That Section 25-141B, Idaho Code, be, and the same is hereby  
 9 amended to read as follows:

10 25-141B. EXTENT OF ERADICATION AREA -- SUPERVISION AND QUARANTINE OF  
 11 PREMISES. The ~~state board of sheep commissioners~~ is hereby authorized to  
 12 quarantine any portion of this state when the fact is determined that sheep  
 13 or goats are affected with scrapie or any other contagious, infectious or  
 14 communicable disease. The area designated for the control of scrapie may  
 15 consist of the entire state, a portion of the state, entire county, or part  
 16 of the county, if it is less than the entire county; the boundary of the area  
 17 shall be clearly defined in the order for the establishment of the area.

18 SECTION 9. That Section 25-141C, Idaho Code, be, and the same is hereby  
 19 amended to read as follows:

20 25-141C. SHEEP -- GOATS -- SCRAPIE -- OR OTHER DISEASES -- HERD DEPOP-  
 21 ULATION. In order to prevent the introduction or dissemination of scrapie  
 22 or other contagious, infectious or communicable diseases into or among the  
 23 sheep or goat population of Idaho, the board is granted authority to identify  
 24 diseases of concern and to condemn infected herds and to require the destruc-  
 25 tion or other disposition as approved by the board of such herd or herds. The  
 26 ~~board of sheep commissioners~~ is authorized to reimburse the owner by cash  
 27 payment for any affected or exposed sheep or goats which have been condemned,  
 28 appraised and slaughtered or destroyed or otherwise disposed of by direction  
 29 of the ~~board of sheep commissioners~~ and for property destroyed and for la-  
 30 bor employed in digging trenches and for cleaning and disinfecting premises  
 31 where such infected or exposed sheep and goats have been kept; provided, that  
 32 the board shall only pay the difference between the appraised price less fed-  
 33 eral indemnity and salvage value for any sheep or goats condemned and slaugh-  
 34 tered or destroyed under this section and the actual costs for burials or  
 35 disposal of animal carcasses and for cleaning and disinfecting of premises  
 36 where infected or exposed sheep or goats have been kept. In the event federal  
 37 indemnity is unavailable in regard to the value of the sheep or goats, the  
 38 board shall only pay the difference between the appraised price and salvage  
 39 value. Appraisals shall be performed by a team comprised of an animal health  
 40 representative, the owner and a person with experience in sheep or goat mar-  
 41 keting. A maximum per head value may by be established by rules of the board.  
 42 The board or its designee may grant a hearing to any person, under such rules  
 43 as the board may prescribe which are in compliance with chapter 52, title 67,  
 44 Idaho Code, when the appraisal price is in dispute. An appeal may be taken  
 45 from the decision of the board or its designee under the provisions of chap-  
 46 ter 52, title 67, Idaho Code.

1       SECTION 10. That Section 25-141D, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3       25-141D. CREATION OF SHEEP AND GOAT DISEASE INDEMNITY FUND. There is  
4 hereby created within the department of agriculture a ~~state board of sheep~~  
5 ~~commissioners~~ account to be known as the sheep and goat disease indemnity  
6 fund. ~~Funds~~ Funds may be received into this account from any source including,  
7 but not limited to, donations, gifts, grants, federal funds, ~~sheep commis-~~  
8 ~~sion~~ Idaho sheep and goat health funds, or appropriations from general or  
9 dedicated accounts. Moneys received into this account shall be deposited  
10 with the state treasurer to the credit of the sheep and goat disease indem-  
11 nity fund. Moneys deposited into this account may only be used to indemnify  
12 owners whose animals or herds have been condemned or destroyed or otherwise  
13 disposed of by direction of the board, and for property destroyed, for labor  
14 employed in digging trenches, and for cleaning and disinfecting of premises  
15 where infected or exposed sheep and goats have been kept.

16       SECTION 11. That Section 25-143, Idaho Code, be, and the same is hereby  
17 amended to read as follows:

18       25-143. TRANSPORTATION OF SHEEP FROM QUARANTINED AREA. It shall be  
19 unlawful for any transportation company or operator of any motor truck to  
20 receive for transportation or transport from the quarantined area of this  
21 state into or through an unquarantined area of this state or receive for  
22 transportation or transport within the quarantined area of this state any  
23 sheep, or as a connecting carrier knowingly receive without the quarantined  
24 area, sheep from the quarantined area, and transport the same within the  
25 state, except as hereinafter provided; nor shall any person, company or  
26 corporation deliver for such transportation to any transportation company,  
27 or operator of any motor truck, any sheep from the quarantined area, except  
28 as hereinafter provided; nor shall any person, company or corporation drive  
29 on foot or cause to be driven on foot or transport in private conveyances  
30 or otherwise move within the quarantined area, any sheep except as here-  
31 inafter provided; and the ~~state board of sheep commissioners~~ shall make and  
32 promulgate rules which shall permit and govern the inspection, treatment,  
33 certification, handling and method and manner of delivery and shipment or  
34 other movement of sheep from a quarantined area of this state, or the ship-  
35 ment or other movement of sheep within a quarantined area of this state.

36       SECTION 12. That Section 25-144, Idaho Code, be, and the same is hereby  
37 amended to read as follows:

38       25-144. MOVEMENT OF SHEEP FROM QUARANTINED INTO UNQUARANTINED AREA  
39 PROHIBITED. It shall be unlawful to move sheep from a quarantined area of the  
40 state in any manner whatsoever into an unquarantined area of this state or  
41 for connecting carriers to receive sheep of the quarantined area at a point  
42 outside of the quarantined area and transport the same within the state, ex-  
43 cept in accordance with the rules and regulations of the ~~state board of sheep~~  
44 ~~commissioners~~. It shall be unlawful to move any sheep within a quarantined  
45 area of the state except in accordance with the rules and regulations of the  
46 said board.

1       SECTION 13. That Section 25-145, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3       25-145. QUARANTINE OF DISEASED ANIMALS. The representatives of the  
4 ~~state board of sheep commissioners~~ or any inspector or agent of the bureau  
5 of animal industry of the United States department of agriculture shall have  
6 authority to quarantine, where found, or in any convenient place nearby, any  
7 animals affected or infected with or exposed to the contagion or infection  
8 of any contagious, infectious or communicable disease. The establishment of  
9 any such quarantine shall be immediately reported to the board and said board  
10 is authorized and empowered to prescribe such rules and regulations as may be  
11 deemed necessary for the movement within the state and the handling, method  
12 of treatment and disposition of such animals so quarantined. Written notice  
13 of such quarantine shall be given to the owner or custodian of the quaran-  
14 tined animals and it shall be unlawful to move, treat, dip or dispose of such  
15 animals, except in accordance with said rules and regulations of the board.

16       SECTION 14. That Section 25-146, Idaho Code, be, and the same is hereby  
17 amended to read as follows:

18       25-146. INSPECTION AND TREATMENT OF DISEASED SHEEP. The representa-  
19 tive of the ~~state board of sheep commissioners~~ or any inspector or agent of  
20 the United States bureau of animal industry shall have authority to enter  
21 upon any grounds or premises where sheep are kept and to inspect, diagnose  
22 and treat sheep found thereon. They shall be authorized and empowered to re-  
23 quire owners of sheep to apply such remedies, dips and other curative, pro-  
24 tective or preventive agents as may by the board be deemed necessary in order  
25 to prevent the introduction or dissemination of disease among the sheep of  
26 this state or to effect a cure of affected or infected sheep and in the event  
27 that any owner or custodian of such sheep shall refuse to comply with the  
28 rules of the board regarding the use of such remedies, dippings and curative  
29 agents within the time set by the board and in the manner provided in this act  
30 or by the rules of said board, then the board shall be empowered to treat or  
31 dip such sheep and the cost thereof, together with all incidental expenses  
32 therewith, if any, which shall include the cost and expense of the care and  
33 maintenance of said sheep during the time of their custody by the board or its  
34 representatives as herein provided, shall be borne by the owner of the sheep  
35 so treated or dipped and shall be, until paid, a lien against such sheep.

36       SECTION 15. That Section 25-148, Idaho Code, be, and the same is hereby  
37 amended to read as follows:

38       25-148. IMPORTATION OF SHEEP -- NOTICE OF INTENTION. When an owner or  
39 person in charge of sheep desires to bring such sheep into this state from an  
40 adjoining state or territory, he shall notify the ~~state board of sheep com-~~  
41 ~~missioners~~ or its agent, in writing, or by telephone or by facsimile, of such  
42 intention before entering the state, stating the time and place where such  
43 sheep shall enter; provided, however, that no notice will be required when  
44 sheep are in transit through the state, except sheep from a known infected  
45 area shall only be admitted in accordance with the rules of the board.



1       SECTION 16. That Section 25-150, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3       25-150. REGULATION OF PUBLIC SALE YARDS AND PUBLIC AUCTION SALES. For  
4 the purpose of preventing the spread of contagious, infectious or communica-  
5 ble diseases among sheep the ~~state board of sheep commissioners~~ is hereby em-  
6 powered to make reasonable rules and regulations with regard to the handling  
7 of sheep in or at public sale yards and public auction sales where sheep are  
8 generally sold and shall have the power and authority to prevent the sales of  
9 sheep at such public sale yards or public auction sales unless said rules and  
10 regulations shall be complied with.

11       SECTION 17. That Section 25-155, Idaho Code, be, and the same is hereby  
12 amended to read as follows:

13       25-155. DUTIES AND POWERS OF THE COMMISSION BOARD PERTAINING TO PROMO-  
14 TION, RESEARCH AND EDUCATION POLICY. (1) The ~~commission board~~ may contract  
15 with the Idaho wool growers association, inc., or a similar agency for the  
16 administration of the ~~sheep commission's~~ Idaho sheep and goat health board's  
17 business pertaining to the promotion, research and education policy.

18       (2) In the administration of sections 25-153 through 25-160, Idaho  
19 Code, the ~~commission board~~ shall, in conjunction with the Idaho wool growers  
20 association, inc., have the following duties, authorities and powers:

- 21       (a) To conduct a campaign of research, education and publicity;
- 22       (b) To find new markets for sheep, lamb and wool products;
- 23       (c) To give, publicize and promulgate reliable information showing the  
24 value of sheep, lamb and wool products for any purpose for which it is  
25 found useful and profitable;
- 26       (d) To make public and encourage the widespread national and interna-  
27 tional use of sheep, lamb and wool products produced in Idaho;
- 28       (e) To investigate and participate in studies of the problems peculiar  
29 to the producers of sheep, lamb and wool in Idaho.

30       (3) The ~~commission board~~ shall have the duty, power and authority:

- 31       (a) To take such action as the ~~commission board~~ deems necessary or ad-  
32 visable in order to stabilize and protect the sheep, lamb and wool in-  
33 dustry of the state and the health and welfare of the public;
- 34       (b) To sue and be sued;
- 35       (c) To enter into such contracts as may be necessary or advisable;
- 36       (d) To appoint and employ officers, agents and other personnel, includ-  
37 ing experts in agriculture and the publicizing of the products thereof,  
38 and to prescribe their duties and fix their compensation;
- 39       (e) To make use of such advertising means and methods as the ~~commission~~  
40 board deems advisable and to enter into contracts and agreements for re-  
41 search and advertising within and without the state;
- 42       (f) To cooperate with any local, state or national organization or  
43 agency, whether voluntary or created by the law of any state or by  
44 national law, engaged in work or activities similar to the work and ac-  
45 tivities of the ~~commission board~~, and to enter into contracts and agree-  
46 ments with such organizations or agencies for carrying on a joint cam-  
47 paign of research, education and publicity and reciprocal enforcement;

(g) To lease, purchase or own the real or personal property deemed necessary in the administration of the provisions of this act;

(h) To prosecute in the name of the state of Idaho any suit or action for collection of the tax or assessment provided for in the provisions of this act;

(i) To adopt, rescind, modify and amend all necessary and proper orders and resolutions for the procedure and exercise of its powers and the performance of its duties;

(j) To incur indebtedness and carry on all business activities;

(k) To keep books and records and accounts of all its doings, which books, records and accounts shall be open to inspection by the state controller and the public at all times;

(l) To adopt from time to time, alter, rescind, modify and/or amend all proper and necessary rules and orders for the exercise of its powers and performance of its duties under this act.

SECTION 18. That Section 25-156, Idaho Code, be, and the same is hereby amended to read as follows:

~~25-156. DEPOSIT AND DISBURSEMENT OF FUNDS REPORT. (1) Immediately upon receipt, all grants, donations and gifts of funds from any source for expenditure for any purpose consistent with this chapter which may be specified as a condition of any grant, donation or gift, and all of the revenues received under the provisions of section 25-159, Idaho Code, shall be deposited in one (1) or more separate accounts in the name of the commission in one (1) or more banks or trust companies approved under chapter 27, title 67, Idaho Code, as state depositories. The commission shall designate such banks or trust companies. All funds so deposited are hereby continuously appropriated for the purpose of carrying out the provisions of this chapter.~~

~~(2) Funds can be withdrawn or paid out of such accounts only upon checks or other orders upon such accounts signed by two (2) officers designated by the commission.~~

~~(3) The right is reserved to the state of Idaho to audit the funds of the commission at any time.~~

~~(4) On or before January 15 of each year, the commission board, or entity the board has contracted with pursuant to the provisions of section 25-155, Idaho Code, shall file with the senate agricultural affairs committee, the house agricultural affairs committee, the legislative council, the state controller, and the division of financial management, a report showing the annual income to the commission board during the preceding fiscal year. The report shall also include an estimate of income to the commission board for the current fiscal year and a projection of anticipated expenses by category for the current fiscal year. The report shall also include a reconciliation between the estimated income and expenses projected and the actual income and expenses of the preceding fiscal year.~~

~~(5) All moneys received or expended by the commission shall be audited annually by a certified public accountant designated by the commission, who shall furnish a copy of such audit to the director of legislative services and to the senate agricultural affairs committee and the house agricultural affairs committee. The audit shall be completed within ninety (90) days following the close of the fiscal year.~~

1       ~~(6) The expenditures of the commission are expressly exempted from the~~  
 2       ~~provisions of sections 67-2007 and 67-2008, Idaho Code.~~

3       SECTION 19. That Section 25-157, Idaho Code, be, and the same is hereby  
 4       repealed.

5       SECTION 20. That Section 25-158, Idaho Code, be, and the same is hereby  
 6       amended to read as follows:

7       25-158. STATE NOT LIABLE FOR ACTS OR OMISSIONS OF COMMISSION BOARD OR  
 8       OF ITS EMPLOYEES. The state of Idaho is not liable for the acts or omissions  
 9       of the commission board or any member thereof or any officer, agent or em-  
 10      ployee thereof.

11      SECTION 21. That Section 25-160, Idaho Code, be, and the same is hereby  
 12      amended to read as follows:

13      25-160. REFERENDUM FOR WOOL GROWERS. Prior to the provisions of this  
 14      act becoming effective, a referendum shall be held to determine if produc-  
 15      ers favor the provisions of this act. The question shall be submitted by se-  
 16      cret ballot upon which the words "Do you favor a promotion, research, and ed-  
 17      ucation program for the Idaho sheep industry that is funded by all producers  
 18      with no refund provision?" are printed with a square before each of the words  
 19      "YES" and "NO" with directions to insert an "X" mark in the square before the  
 20      proposition which the voter favors. If a majority of the producers voting in  
 21      the referendum or a majority of the production represented by the producers  
 22      voting in the referendum vote in favor of the question submitted, the provi-  
 23      sions of this act shall become effective.

24      (1) The procedures necessary to initiate a referendum in subsequent  
 25      years, but not less than five (5) years from the passage of the initial ref-  
 26      erendum, are as follows:

27      (a) A referendum shall be held if the Idaho department of agriculture  
 28      receives a petition requesting such referendum signed by ten percent  
 29      (10%) or more of sheep producers who have paid an assessment to the Idaho  
 30      sheep commission and goat health board in either of the two (2) immedi-  
 31      ate past calendar years; or

32      (b) A referendum shall be held if the Idaho department of agriculture  
 33      receives a written request for such referendum from the Idaho sheep  
 34      commission and goat health board.

35      (2) (a) Any referendum shall be conducted only among sheep producers  
 36      who paid an assessment to the Idaho sheep commission and goat health  
 37      board during one (1) of the two (2) years prior to the referendum.

38      (b) Any referendum must be supervised by the Idaho department of agri-  
 39      culture.

40      (c) Any referendum shall be held, and the result determined and de-  
 41      clared by the director of the department of agriculture, and recorded in  
 42      the office of the secretary of state.

43      (d) Notice of any referendum must be given by the commission board in a  
 44      manner determined by it. The ballots must be prepared by the commission  
 45      board and forwarded to eligible producers, who shall return them within  
 46      twenty (20) days after mailing by the commission board.

1 (e) The ~~commission~~ board shall pay the costs of any referendum.

2 SECTION 22. That Section 25-201, Idaho Code, be, and the same is hereby  
3 amended to read as follows:

4 25-201. POWERS OF DIVISION OF ANIMAL INDUSTRIES -- BY WHOM EXER-  
5 CISED. The powers in this chapter conferred upon the division of animal  
6 industries (and unless otherwise apparent from the context, the word "divi-  
7 sion" hereinafter used refers to the division of animal industries) shall  
8 be exercised by the director of the department of agriculture or the admin-  
9 istrator of the division of animal industries and such officers, employees  
10 and deputies as the administrator, with the approval of the director, may au-  
11 thorize, with the exception of those powers and duties pertaining to sheep,  
12 which powers and duties shall be exercised in said department by the ~~state~~  
13 ~~board of sheep commissioners~~.

14 SECTION 23. That Section 25-218, Idaho Code, be, and the same is hereby  
15 amended to read as follows:

16 25-218. DISEASED ANIMALS -- TEMPORARY QUARANTINE -- NOTICE. The  
17 representatives of the department of agriculture or division of animal  
18 industries of the state of Idaho, or any inspector or agent of the United  
19 States department of agriculture, animal and plant health inspection ser-  
20 vice, veterinary services shall have authority to quarantine temporarily,  
21 where found or in any convenient place nearby, any animals affected or in-  
22 fected with, or exposed to, the contagion or infection of any contagious,  
23 infectious or communicable disease. The establishment of any such temporary  
24 quarantine except the quarantine of domestic sheep, shall be immediately re-  
25 ported to the state division of animal industries; the temporary quarantine  
26 of domestic sheep shall be reported to the ~~board of sheep commissioners~~ Idaho  
27 sheep and goat health board; and the state department of agriculture and  
28 state division of animal industries are hereby authorized and empowered to  
29 prescribe and enforce such rules and regulations as may be deemed necessary  
30 for the movement within the state, and the handling, method of treatment and  
31 disposition of such animals except domestic sheep, so temporarily quaran-  
32 tined. Such rules and regulations so made shall have the same effect as if  
33 contained in this act. Written notice of such quarantine shall be given to  
34 the owner or custodian of the quarantined animals, and it shall be unlawful  
35 to move, treat, test, dip or dispose of such animals except in accordance  
36 with said rules and regulations of said department and division.

37 SECTION 24. That Section 25-232, Idaho Code, be, and the same is hereby  
38 amended to read as follows:

39 25-232. DISEASE AND ANIMAL DAMAGE CONTROL TAX LEVY AND FEES ON CATTLE,  
40 HORSES, AND MULES. (a) There is hereby imposed upon cattle, horses, and mules  
41 in the state of Idaho a fee of twenty-two cents (22¢) per head. Said fee shall  
42 be collected at the time of every brand inspection when a charge for brand in-  
43 spection is made as required by law. Such fee when collected shall be paid  
44 by the person paying the charge for brand inspection and shall be used by the  
45 Idaho department of agriculture for livestock disease control. The state

1 brand inspector shall collect said fees in addition to, at the same time and  
 2 in the same manner as the fee collected for brand inspection. The fees so  
 3 collected shall be deposited as provided in section 25-233, Idaho Code.

4 (b) In addition to the fee imposed in subsection (a) ~~above of this sec-~~  
 5 ~~tion~~, there is hereby imposed an additional fee of not to exceed five cents  
 6 (5¢) per head upon the same livestock subject to the fee required in subsec-  
 7 tion (a). The amount of the additional fee shall be fixed by order of the  
 8 state brand board upon the written recommendation of the Idaho cattle as-  
 9 sociation. The fees collected under the provisions of this subsection (b)  
 10 shall be deposited in the ~~sheep commission~~ Idaho sheep and goat health board  
 11 ~~account~~, and the board of ~~sheep commissioners~~ shall quarterly transmit the  
 12 proper share of such moneys to the board of directors of each animal damage  
 13 control district. The provisions of section 67-3525, Idaho Code, shall not  
 14 apply to the payment of moneys from the ~~sheep commission~~ Idaho sheep and goat  
 15 health board account to the animal damage control districts.

16 (c) The state brand inspector shall be reimbursed for the reasonable  
 17 and necessary expenses incurred for the collections required in this sec-  
 18 tion, in an amount determined by the administrator of the division of animal  
 19 industries, a representative of the Idaho cattle association and the inspec-  
 20 tor, but the total of such expense reimbursement for the fees collected as  
 21 required in subsections (a) and (b) of this section shall not exceed one and  
 22 one-quarter cents (1 1/4¢) per head.

23 SECTION 25. That Section 25-2612A, Idaho Code, be, and the same is  
 24 hereby amended to read as follows:

25 25-2612A. DUTIES AND POWERS OF THE STATE ANIMAL DAMAGE CONTROL  
 26 BOARD. (1) There is hereby created a state animal damage control board.  
 27 The chairman of the Idaho sheep and goat health board ~~of sheep commission-~~  
 28 ~~ers~~ shall be a voting member and serve as the chairman of the state animal  
 29 damage control board which shall have such duties and powers relating to  
 30 the prevention and control of damage caused by predatory animals and other  
 31 vertebrate pests, including threatened or endangered wildlife, within the  
 32 state of Idaho as are established by federal or state law, federal or state  
 33 rule or regulation, or county ordinance. It is hereby made the duty of the  
 34 state animal damage control board to coordinate and give general direction  
 35 to programs to prevent and control damage or conflicts on federal, state,  
 36 or other public or private lands caused by predatory animals, rodents, or  
 37 birds injurious to animal husbandry, agriculture, horticulture, forestry,  
 38 wildlife and human health or safety; and also to facilitate, coordinate or  
 39 conduct such investigations, experiments or tests as deemed necessary to  
 40 determine, demonstrate and promulgate the best methods of predatory animals  
 41 and other vertebrate pest control. In carrying out these duties, the board  
 42 may cooperate with federal, state, county, city and private agencies, or-  
 43 ganizations or individuals; provided, however, that the authority of this  
 44 board is not to supersede the state fish and game department or the responsi-  
 45 ble federal agency in the utilization of the funds of those two (2) agencies  
 46 in their conduct of similar work within the state of Idaho, but the board  
 47 shall cooperate and work with these two (2) agencies. Prevention and control  
 48 of predatory animals and other vertebrate pests does not include the payment  
 49 of compensation for damages.

1 (2) In addition to the chairman, the state animal damage control board  
 2 shall consist of a member appointed by the president of the Idaho cattle as-  
 3 sociation, the director of the state department of agriculture, the director  
 4 of the state department of fish and game, and the chairman of the board of di-  
 5 rectors of each of the five (5) animal damage control districts.

6 (3) The state animal damage control board shall have as its primary  
 7 duties the coordination of the control efforts of the five (5) animal damage  
 8 control districts; the establishment of general policies for the control  
 9 programs; the establishment of annual priorities for control efforts; and  
 10 the assignment or distribution of moneys made available to the board from any  
 11 source. All contracts or agreements for providing prevention and control  
 12 services which involve an expenditure of moneys from the state animal damage  
 13 control board shall be in writing and shall be maintained as a part of the  
 14 official records of the board.

15 (4) ~~The state board of sheep commissioners~~ Idaho sheep and goat health  
 16 board shall provide staff, administrative and fiscal services for the animal  
 17 damage control board.

18 SECTION 26. That Section 67-5303, Idaho Code, be, and the same is hereby  
 19 amended to read as follows:

20 67-5303. APPLICATION TO STATE EMPLOYEES. All departments of the state  
 21 of Idaho and all employees in such departments, except those employees  
 22 specifically defined as nonclassified, shall be classified employees, who  
 23 are subject to this chapter and to the system of personnel administration  
 24 which it prescribes. Nonclassified employees shall be:

25 (a) Members of the state legislature and all other officers of the state  
 26 of Idaho elected by popular vote, and persons appointed to fill vacancies in  
 27 elective offices, and employees of the state legislature.

28 (b) Members of statutory boards and commissions and heads of depart-  
 29 ments appointed by and serving at the pleasure of the governor, deputy direc-  
 30 tors appointed by the director and members of advisory boards and councils  
 31 appointed by the departments.

32 (c) All employees and officers in the office, and at the residence, of  
 33 the governor; and all employees and officers in the offices of the lieutenant  
 34 governor, secretary of state, attorney general, state treasurer, state con-  
 35 troller, and state superintendent of public instruction who are appointed on  
 36 and after the effective date of this chapter.

37 (d) Except as otherwise provided by law, not more than one (1) declared  
 38 position for each board or commission and/or head of a participating depart-  
 39 ment in addition to those declared to be nonclassified by other provisions of  
 40 law.

41 (e) Part-time professional consultants who are paid on a fee basis for  
 42 any form of legal, medical or other professional service, and who are not en-  
 43 gaged in the performance of administrative duties for the state.

44 (f) Judges, temporary referees, receivers and jurors.

45 (g) All employees of the Idaho supreme court, Idaho court of appeals and  
 46 district courts.

47 (h) All employees of the Idaho state bar.

48 (i) Assistant attorneys general attached to the office of the attorney  
 49 general.

(j) Officers, members of the teaching staffs of state educational institutions, the professional staff of the Idaho department of education administered by the board of regents and the board of education, and the professional staffs of the Idaho division of professional-technical education and vocational rehabilitation administered by the state board for professional-technical education. "Teaching staff" includes teachers, coaches, resident directors, librarians and those principally engaged in academic research. The word "officer" means presidents, vice presidents, deans, directors, or employees in positions designated by the state board who receive an annual salary of not less than step "A" of the pay grade equivalent to three hundred fifty-five (355) Hay points in the state compensation schedule. A nonclassified employee who is designated as an "officer" on July 5, 1991, but does not meet the requirements of this subsection, may make a one (1) time irrevocable election to remain nonclassified. Such an election must be made not later than August 2, 1991. When such positions become vacant, these positions will be reviewed and designated as either classified or nonclassified in accordance with this subsection.

(k) Employees of the military division.

(l) Patients, inmates or students employed in a state institution.

(m) Persons employed in positions established under federal grants, which, by law, restrict employment eligibility to specific individuals or groups on the basis of nonmerit selection requirements. Such employees shall be termed "project exempt" and the tenure of their employment shall be limited to the length of the project grant, or twenty-four (24) months, or four thousand one hundred sixty (4,160) hours of credited state service, whichever is of the shortest duration. No person hired on a project-exempt appointment shall be employed in any position allocated to the classified service.

(n) Temporary employees.

(o) All employees and officers of the following named commodity commissions, and all employees and officers of any commodity commission created hereafter: the Idaho potato commission, as provided in chapter 12, title 22, Idaho Code; the Idaho honey advertising commission, as provided in chapter 28, title 22, Idaho Code; the Idaho bean commission, as provided in chapter 29, title 22, Idaho Code; the Idaho hop grower's commission, as provided in chapter 31, title 22, Idaho Code; the Idaho wheat commission, as provided in chapter 33, title 22, Idaho Code; the Idaho pea and lentil commission, as provided in chapter 35, title 22, Idaho Code; the Idaho apple commission, as provided in chapter 36, title 22, Idaho Code; the Idaho cherry commission, as provided in chapter 37, title 22, Idaho Code; the Idaho mint grower's commission, as provided in chapter 38, title 22, Idaho Code; the ~~state board of sheep commissioners~~ Idaho sheep and goat health board, as provided in chapter 1, title 25, Idaho Code; the state brand inspector, and all district supervisors, as provided in chapter 11, title 25, Idaho Code; the Idaho beef council, as provided in chapter 29, title 25, Idaho Code; and the Idaho dairy products commission, as provided in chapter 31, title 25, Idaho Code.

(p) All inspectors of the fresh fruit and vegetable inspection service of the Idaho department of agriculture, except those positions involved in the management of the program.

1 (q) All employees of correctional industries within the department of  
2 correction.

3 (r) All deputy administrators and wardens employed by the department of  
4 correction. Deputy administrators are defined as only the deputy adminis-  
5 trators working directly for the nonclassified division administrators un-  
6 der the director of the department of correction.

7 (s) All public information positions with the exception of secretarial  
8 positions, in any department.

9 (t) Any division administrator.

10 (u) Any regional administrator or division administrator in the de-  
11 partment of environmental quality.

12 (v) All employees of the division of financial management.

13 (w) All employees of the Idaho food quality assurance institute.

14 (x) The state appellate public defender, deputy state appellate public  
15 defenders and all other employees of the office of the state appellate public  
16 defender.

17 (y) All quality assurance specialists or medical investigators of the  
18 Idaho board of medicine.

19 (z) All pest survey and detection employees and their supervisors hired  
20 specifically to carry out activities under the Idaho plant pest act, chapter  
21 20, title 22, Idaho Code, including but not limited to pest survey, detec-  
22 tion and eradication, except those positions involved in the management of  
23 the program.